Remarks

The present amendment is submitted in response to an Office Action dated January 16, 2003. In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 11, 12, 13, 22 and 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 9, 10, 16, 17 and 18 of U.S. Patent No. 6,443,166 in view of Brown. In addition, claims 1, 3-4, 6-7, 9, 14 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Brown. Still further, claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brown. Moreover, claims 5, 8, 10-13, 16-19 and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Bombard. In addition, claims 2 and 20 were rejected as being unpatentable under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Stodolka.

With respect to the rejection of claims 1, 2, 4, 5, 11, 12, 13, 22 and 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 9, 10, 16, 17 and 18 of U.S. Patent No. 6,443,166, Applicants will submit a Terminal Disclaimer to overcome this rejection after the remaining rejections have been withdrawn and upon receiving an indication of allowable subject matter. Accordingly, submission of a Terminal Disclaimer will render the obviousness-type double patenting rejection moot.

With respect to the rejection of the claims under 35 U.S.C. §102(b) as being anticipated by Brown, this rejection is respectfully traversed in view of the claims as amended and for the reasons that follow.

More specifically, independent claim 1 has been amended to define that the container is disposed on a mobile railcar. Moreover, independent claim 1 has been

amended to define that the input gas is dry and heated to a temperature of between about 100° F and about 300° F. These steps, combined with the original steps as claimed in originally-filed independent claim 1, are nowhere taught or suggested by Brown, nor any of the other prior art. Brown merely discloses a method of removing and recovering hydrocarbons which are contained within the air/vapor mixture in bulk oil or gasoline storage tanks. Nowhere does Brown teach a method of removing chlorine gas or sulfur dioxide gas from a container that is disposed on a mobile railcar by injecting a dry input gas into the container that has been heated to a temperature of between about 100° F and about 300° F.

Under 35 U.S.C. §102(b) anticipation requires that a single prior art reference disclose each and every element of the claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the prior art are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

Since Brown fails to disclose the elements defined in amended claim 1, the rejection thereto has been overcome and should be withdrawn. Notice to that effect is respectfully requested.

Claims 2-21 and 24 depend from independent claim 1. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent claims since each sets forth additional steps of the Applicants' novel method.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone the Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

Date: April 14, 2003

By: _____

Stephen T. Scherrer
Registration No. 45,080
McDERMOTT, WILL & EMERY
227 West Monroe STREET
Chicago, IL 60606-9815
312-372-2000

CHI99 4087727-1.047440.0042